

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CV340MU-02

JONATHAN LEIGH HENSLEE,
Petitioner,

v.

NORTH CAROLINA,
Respondent.

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ORDER

THIS MATTER comes before the Court on petitioner's "Request For Appointed Counsel," filed December 5, 2005.

By the subject Request, the petitioner asks the Court to appoint counsel to represent him on his second Petition for a Writ of Habeas Corpus, by which he challenges his 2003 sex-related convictions and sentences. In support of the subject Request, the petitioner reports that he currently is taking a "strong medicine" which "complicates [his] mental thinking process and [makes] it hard for [him] to understand legal term[s] /definition[s] of words coming from courts". In addition, the petitioner reports that his unspecified "injury" limits his ability to do legal work, thereby potentially delaying "the process."

However, by its Order of December 6, 2005--which Order clearly must have crossed in the mail with the instant Request for counsel--the Court summarily dismissed the petitioner's

Petition. In particular, in its Order the Court pointed out both that the petitioner had failed to fully exhaust his State court remedies with respect to his convictions and sentences; and that it appeared that such Petition was time-barred in any event. Consequently, inasmuch as the petitioner's Request for counsel does not give the Court any basis for reconsidering that dismissal, such Request For Appointed Counsel will be dismissed as moot.

SO ORDERED.

Signed: December 19, 2005

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

